



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application
of Michael E. Miller

Serial No. 09/707,022

Filed: November 6, 2000

Title: BIOPSY APPARATUS

) Docket No.: Suros-3
)
)

) Group Art Unit: 3731
)
)

) March 9, 2001
)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
Attn: Box Missing Parts
Washington, D.C. 20231

Sir:

Applicants have received a Notice to File Missing Parts dated January 29, 2001, requiring Applicants to submit an Oath or Declaration and a Small Entity Statement. Applicants submitted an executed Declaration on January 8, 2001, which was received by the Office on January 22, 2001. A copy of the Declaration and the returned postcard are enclosed for verification.

With respect to the Small Entity Statement, Patent Rule 37 C.F.R. § 1.27, as revised, pertaining to the Simplified Small Entity Status Practice, provides that Effective September 8, 2000, small entity status can be established by a simple written assertion of entitlement to small entity status or by payment of the exact amount of one of the small entity basic filing fees. As commented in the Patent News Bulletins, Vol. 1, Issue 1, "Specific forms are no longer required. . . . Office forms have been modified to include a box which can be checked to establish small entity status. . . ." Applicants used the modified Utility Patent Application Transmittal form (PTO/SB/05) provided by the Office and checked the box "Applicant claims small entity status." Enclosed is a copy of the Transmittal. It is believed that this action is

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sufficient under 37 C.F.R. § 1.27(c)(3) to meet the requirement for small entity statement. In addition, Applicants have paid the exact amount of the small entity basic filing fee, which pursuant to 37 C.F.R. § 1.27(c)(3) is also sufficient to meet the requirement for small entity statement.

It is believed that the foregoing remarks address and are responsive to each issue raised in the Notice of Missing Parts. In view of these remarks, it is further believed that this application is in condition for allowance and action toward issuance of a Notice of Allowance is respectfully requested.

If any issues remain that can be resolved by telephone, the Office is invited to call the undersigned attorney.

It is not believed that any further fees are due in connection with this correspondence. However, the Office is hereby authorized to charge any fees not included herewith to Deposit Account No. 020390, Baker & Daniels.

Respectfully submitted,

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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the address above on the date indicated below.

March 9, 2001

By:

Susan Blumer



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/707,022	11/06/2000	Michael E. Miller	SUROS-3

Deborah R Beck Baker & Daniels
300 North Meridian Street
Suite 2700
Indianapolis, IN 46204

FORMALITIES LETTER



OC00000005713827

Date Mailed: 01/29/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- Small Entity Statement is missing.

*A copy of this notice **MUST** be returned with the reply.*


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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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